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21 APR 1960

MEMORANDUM FOR : Mr. Gordon Gray
Special Assistant to the President
for National Security Affairs

SUBJECT : Draft Presidential Directive on
Disclosure of Classified Intelligence

1. Attached is a proposed Presidential directive on the above subject in the form in which it was approved by the United States Intelligence Board on 19 April.
2. I should like to discuss this matter further with you at your convenience.

ALLEN W. DULLES
Chairman

Attachment

25X1
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19 April 1960

MEMORANDUM FOR : Secretary of State
Secretary of Defense
The Attorney General
Director of Central Intelligence
Chairman, Atomic Energy Commission

SUBJECT : Disclosures of Classified Intelligence

1. Our national security and the continuing success of the intelligence effort of this Government are being adversely affected by the appearance in public information media of classified intelligence, including information tending to reveal intelligence sources and methods. Sources of a continuing nature and methods of intelligence collection have been jeopardized and in some instances great harm has been done to the intelligence effort. I am concerned over the serious damage thus caused to national security. It is clear that certain recipients of classified information have not been made sufficiently aware of the detrimental effect which their disclosures may have or that such recipients have been careless in the handling of such information.

2. I direct that immediate action be taken in your respective departments and agencies to prevent the disclosure of classified intelligence except to properly authorized recipients. Further, I direct that action be taken to ensure that the disclosure of classified intelligence

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be made solely in consonance with applicable statutes, regulations and this directive. Recipients of classified intelligence shall be made especially aware of the damage that can accrue to intelligence sources and methods through the improper disclosure of intelligence. Existing procedures for the control of classified intelligence, and for limiting access thereto, shall be reviewed and corrective action shall be taken where undue reliance upon routine administrative methods or other inadequacies are found.

3. In particular each department or agency shall conduct a continuing review of its dissemination of classified intelligence with a view to ensuring that such dissemination is confined to authorized recipients on a strict need-to-know basis. No further dissemination of such information will be made outside of these authorized channels without an assessment by the appropriate Intelligence Chief of the risks to our national security and to the intelligence sources and methods involved.

4. The Director of Central Intelligence, with the assistance and support of the United States Intelligence Board, shall keep me informed of actions taken under this directive and as may be appropriate make recommendations together with proposals for additional legislation if deemed necessary.

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OFFICIAL SECRETS ACTS, 1911 & 1920

Principal Provisions of the above Acts in Consolidated Form

N.B.—A felony under the above Acts is punishable by penal servitude for a term not exceeding 14 years.

A misdemeanour is punishable by imprisonment with or without hard labour for a term not exceeding 2 years or by a fine not exceeding fifty pounds or by both imprisonment and fine.

Directors and officers of a company or corporation are personally responsible under these Acts for an offence committed by the company or corporation unless they prove that the offence took place without their knowledge or consent.

Among other things it is an offence under these Acts for any person to disclose, otherwise than to an authorised person or in the course of his duty, any matter or information which he has obtained or to which he has access owing to his official position. This covers disclosure in any form, whether verbally or in writing or by publication in the press or in book form, and applies to all persons employed in the service of the Crown, not only during the period of service but also after that employment has ceased.

1.—The expression "prohibited place" means—

- (a) any work of defence, arsenal, naval or air-force establishment or station, factory, dock-yard, mine, minefield, camp, ship, or aircraft belonging to or occupied by or on behalf of His Majesty, or any telegraph, telephone, wireless or signal station or office so belonging or occupied, and any place belonging to or occupied by or on behalf of His Majesty and used for the purpose of building, repairing, making, or storing any munitions of war,* or any sketches,|| plans, models,§ or documents† relating thereto, or for the purposes of getting any metals, oil or minerals of use in time of war ; and
- (b) any place not belonging to His Majesty where any munitions of war,* or any sketches,|| models,§ plans or documents† relating thereto, are being made, repaired, gotten or stored under contract with, or with any person on behalf of, His Majesty, or otherwise on behalf of His Majesty ; and
- (c) any place belonging to or used for the purposes of His Majesty which is for the time being declared by order of a Secretary of State to be a prohibited place on the ground that information with respect thereto, or damage thereto, would be useful to an enemy ; and
- (d) any railway, road, way, or channel, or other means of communication by land or water (including any works or structures being part thereof or connected therewith), or any place used for gas, water, or electricity works or other works for purposes of a public character, or any place where any munitions of war,* or any sketches,|| models,§ plans, or documents† relating thereto, are being made, repaired, or stored otherwise than on behalf of His Majesty, which is for the time being declared by order of a Secretary of State to be a prohibited place, on the ground that information with respect thereto, or the destruction or obstruction thereof, or interference therewith, would be useful to an enemy.

Definition
prohibited
place.

Penalty for
spying.

2.—(1) If any person for any purpose prejudicial to the safety or interest of the State—
(a) approaches, inspects, passes over or is in the neighbourhood of, or enters any prohibited place ; or
(b) makes any sketch,|| plan, model,§ or note which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy ; or
(c) obtains, collects, records or publishes, or communicates¶ to any other person any secret official code word, or pass word, or any sketch,|| plan, model,§ article, or note, or other document,† or information which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy ;
he shall be guilty of felony.

(2) On a prosecution under this section, it shall not be necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the State, and, notwithstanding that no such act is proved against him, he may be convicted if, from the circumstances of the case, or his conduct, or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the State ; and if any sketch,|| plan, model,§ article, note, document,† or information relating to or used in any prohibited place within the meaning of the Official Secrets Acts or anything in such a place, or any secret official code word or pass word is made, obtained, collected, recorded, published, or communicated¶ by any person other than a person acting under lawful authority, it shall be deemed to have been made, obtained, collected, recorded, published, or communicated for a purpose prejudicial to the safety or interests of the State, unless the contrary is proved.

(3) In any proceedings against a person for an offence under this section, the fact that he has been in communication with, or attempted to communicate¶ with, a foreign agent,† whether within or without the United Kingdom shall be evidence that he has, for a purpose prejudicial to the safety or interests of the State, obtained or attempted to obtain information which is calculated to be, or might be or is intended to be, directly or indirectly useful to an enemy.

(4) For the purpose of this section, but without prejudice to the generality of the foregoing provision—

- (a) A person shall, unless he prove the contrary, be deemed to have been in communication with a foreign agent† if :
(i) He has, either within or without the United Kingdom, visited the address of a foreign agent or consorted or associated with a foreign agent† ; or
(ii) Either within or without the United Kingdom, the name or address of, or any other information regarding a foreign agent† has been found in his possession, or has been supplied by him to any other person, or has been obtained by him from any other person ;
(b) Any address, whether within or without the United Kingdom, reasonably suspected of being an address used for the receipt of communications intended for a foreign agent,† or any address at which a foreign agent resides, or to which he resorts for the purpose of giving or receiving communications,¶ or at which he carries on any business, shall be deemed to be the address of a foreign agent and communications addressed to such an address to be communications with a foreign agent.

3.—If any person for the purpose of gaining admission, or of assisting any other person to gain admission, to a prohibited place, or for any other purpose prejudicial to the safety or interests of the State—

- (a) uses or wears, without lawful authority, any naval, military, air-force, police or other official uniform, or any uniform so nearly resembling the same as to be calculated to deceive, or falsely represent himself to be a person who is or has been entitled to use or wear any such uniform ; or
(b) orally, or in writing in any declaration or application, or in any document,† signed by him or on his behalf, knowingly makes or connives at the making of any false statement or any omission ; or
(c) forges, alters, or tampers with any passport or any naval, military, air-force, police or official pass, permit, certificate, licence, or other document,† of a similar character

Unauthorised use of
uniforms,
falsification
of reports,
forgery, per-
sonation and
false docu-
ments.

(hereinafter in this section referred to as an official document), or uses or has in his possession any such forged, altered, or irregular official document ; or

- (d) personates, or falsely represents himself to be a person holding, or in the employment of a person holding office under His Majesty,** or to be or not to be a person to whom an official document† or secret official code word or pass word has been duly issued or communicated,¶ or with intent to obtain an official document, secret official code word or pass word, whether for himself or any other person, knowingly makes any false statement ; or
- (e) uses, or has in his possession or under his control, without the authority of the Government Department or the authority concerned, any die, seal or stamp, of or belonging to, or used, made or provided by any Government Department, or by any diplomatic, naval, military or air-force authority appointed by or acting under the authority of His Majesty, or any die, seal or stamp so nearly resembling any such die, seal or stamp as to be calculated to deceive, or counterfeits any such die, seal or stamp, or uses, or has in his possession, or under his control, any such counterfeited die, seal or stamp ; he shall be guilty of a misdemeanour.

4.—No person in the vicinity of any prohibited place shall obstruct, knowingly mislead or interfere with or impede, the chief officer or a superintendent or other officer of police, with officers of the police, or any member of His Majesty's forces engaged on guard, sentry, patrol, or other similar duty or member of His Majesty's forces, in relation to the prohibited place, and, if any person acts in contravention of, or fails to comply with, this provision, he shall be guilty of a misdemeanour.

5.—If any person—

- (a) retains for any purpose prejudicial to the safety or interests of the State any official documents,‡ whether or not completed or issued for use, when he has no right to retain it, or when it is contrary to his duty to retain it, or fails to comply with any directions issued by any Government Department or any person authorised by such Department with regard to the return or disposal thereof ; or
- (b) allows any other person to have possession of any official document‡ issued for his use alone, or communicates any secret official code word or pass word so issued, or, without lawful authority or excuse, has in his possession any official document or secret official code word or pass word issued for the use of some person other than himself, or on obtaining possession of any official document by finding or otherwise, neglects or fails to restore it to the person or authority by whom or for whose use it was issued, or to a police constable ; or
- (c) without lawful authority or excuse, manufactures or sells, or has in his possession for sale any such die, seal or stamp as aforesaid ; he shall be guilty of a misdemeanour.

6.—(1) If any person having in his possession or control any secret official code word or pass word or any sketch,|| plan, model,§ article, note, document,‡ or information which relates to or is used in a prohibited place or anything in such a place, or which has been made or obtained in contravention of the Official Secrets Acts, or which has been entrusted in confidence to him by any person holding office under His Majesty or which he has obtained or to which he has had access owing to his position as a person who holds or has held office under His Majesty,** or as a person who holds or has held a contract made on behalf of His Majesty, or as a person who is or has been employed under a person who holds or has held such an office or contract—

- (a) communicates|| the code word, pass word, sketch,|| plan, model,§ article, note, document,‡ or information to any person, other than a person to whom he is authorised to communicate it, or a person to whom it is in the interests of the State his duty to communicate it ; or
- (b) uses the information in his possession for the benefit of any foreign power or in any other manner prejudicial to the safety or interests of the State ; or
- (c) retains the sketch,|| plan, model,§ article, note or document,‡ in his possession or control, when he has no right to retain it or when it is contrary to his duty to retain it or fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof ; or

(d) fails to take reasonable care of, or so conducts himself as to endanger the safety of the sketch,|| plan, model,§ article, note, document,‡ secret official code or pass word or information ;
that person shall be guilty of a misdemeanour.

(2) If any person having in his possession or control any sketch,|| plan, model,§ article, note, document,‡ or information which relates to munitions of war,* communicates¶ it directly or indirectly to any foreign power or in any other manner prejudicial to the safety or interests of the State, that person shall be guilty of a misdemeanour.

(3) If any person receives any secret official code word or pass word or sketch,|| plan, model,§ article, note, document,‡ or information, knowing or having reasonable ground to believe at the time when he receives it that the code word, pass word, sketch,|| plan, model,§ article, note, document,‡ or information is communicated¶ to him in contravention of the Official Secrets Acts, he shall be guilty of a misdemeanour unless he proves that the communication to him of the code word, pass word, sketch,|| plan, model,§ article, note, document,‡ or information was contrary to his desire.

Duty of giving information as to commission of offences. 7.—It shall be the duty of every person to give on demand to a chief officer of police, or to a superintendent or other officer of police not below the rank of inspector appointed by a chief officer of police for the purpose, or to any member of His Majesty's forces engaged on guard, sentry, patrol, or other similar duty, any information in his power relating to an offence or suspected offence under the Official Secrets Acts, and, if so required and upon tender of his reasonable expenses, to attend at such reasonable time and place as may be specified for the purpose of furnishing such information, and, if any person fails to give any such information or to attend as aforesaid, he shall be guilty of a misdemeanour.

Harbouring offenders. 8.—If any person knowingly harbours any person whom he knows, or has reasonable grounds for supposing, to be a person who is about to commit or who has committed an offence under the Official Secrets Acts, or knowingly permits to meet or assemble in any premises in his occupation or under his control any such persons, or if any person having harboured any such person, or permitted to meet or assemble in any premises in his occupation or under his control any such persons, wilfully omits or refuses to disclose to a superintendent of police any information which it is in his power to give in relation to any such person, he shall be guilty of a misdemeanour.

Attempts, incitements, etc. 9.—Any person who attempts to commit any offence under the Official Secrets Acts or solicits or incites or endeavours to persuade another person to commit an offence or aids or abets and does any act preparatory to the commission of an offence, shall be guilty of a felony or a misdemeanour according as the offence in question is a felony or a misdemeanour, and on conviction shall be liable to the same punishment and to be proceeded against in the same manner as if he had committed the offence.

* The expression "munitions of war" includes the whole or any part of any ship, submarine, aircraft, tank, or similar engine, arms and ammunition, torpedo or mine, intended or adapted for use in war, and any other article, material, or device, whether actual or proposed, intended for such use.

† The expression "foreign agent" includes any person who is or has been or is reasonably suspected of being or having been employed by a foreign power either directly or indirectly for the purpose of committing an act, either, within or without the United Kingdom, prejudicial to the safety or interests of the State, or who has or is reasonably suspected of having, either within or without the United Kingdom, committed, or attempted to commit, such an act in the interests of a foreign power.

‡ The expression "document" includes part of a document.

§ The expression "model" includes design, patterns and specimen.

¶ The expression "sketch" includes any photograph or other mode of representing any place or thing.

|| Expressions referring to communicating or receiving include any communicating or receiving whether in the whole or in part, and whether the sketch, plan, model, article, note, document, or information itself or the substance, effect or description thereof only be communicated or received; expressions referring to obtaining or retaining any sketch, plan, model, article, note, or document include the copying, or causing to be copied, the whole or any part of any sketch, plan, model, article, note, or document; and expressions referring to the communication of any sketch, plan, model, article, note, or document include the transfer or transmission of the sketch, plan, model, article, note, or document.

** The expression "office under His Majesty" includes any office or employment in or under any department of the Government of the United Kingdom or of any British possessions.